IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7550 OF 2006

Gopaldas Dayalal Dodhia ..Petitioner

Vs.

Kallu Dukhi Choudhary & Ors. ..Respondents

Mr.E.A.Sasi for the petitioner

CORAM : A.P.DESHPANDE, J

DATED : 20TH NOVEMBER, 2006

P.C.:

1. The order passed by the executing court rejecting the objection raised by the petitioner / judgment debtor for issuing a warrant of possession is challenged by filing the instant writ petition.

2. The respondent has instituted a suit for possession against the petitioner. The suit came to be decreed by the trial court. An appeal carried by the petitioner before the Appellate court came to be dismissed. Aggrieved thereby, the petitioner instituted a writ petition in this court vide writ petition no.4638 of 2005. The writ petition also came to be dismissed. One of the

grounds that was pressed in service by the present petitioner / judgment debtor all throughout was to the effect that the suit property is in a slum area and is covered by the notification published by the Government of Maharashta dt.6.1.83. It was tried to be contended by the petitioner in the said writ petition that the suit property is covered by the notification and, hence, decree needs to be quashed and set aside. Repelling the said submission in para 4 of the order passed by the learned single Judge dt.24.11.05, the court has categorically concluded that the suit property is not covered by the notification in relation to the slum area. This very objection is yet again taken in the execution proceedings and the executing court has rejected it by placing reliance on the observations made by this court dismissing the writ petition calling in question the legality and validity of the judgment and decree.

3. I have perused the order passed by the executing court. The same does not call for any interference. Hence, petition is summarily rejected.

(SHRI A.P.DESHPANDE, J)